APPENDIX

(Reprinted From 5 ERC 1340)

U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

MARYLAND-NATIONAL CAPITAL PLANNING COMMISSION

v.

SCHULTZ

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION and DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, Plaintiffs; CALVERTON CITIZENS ASSOCIATION, Plaintiff-Intervenor, v. GEORGE P. SCHULTZ, Secretary, United States Department of the Treasury, ROD KREGER, Acting Administrator, General Services Administration, and RICHARD G. KLEINDIENST, Attorney General, United States Department of Justice, No. 255-72, May 11, 1973.

LAND

Federal, state, and local regulation—Special land uses—Construction (§ 8.413)

Federal, state, and local regulation—Administrative agencies—Procedure before agencies (§ 8.621)

Liability by industry—Construction (§ 11.20)

National Environmental Policy Act is satisfied by Treasury Department's and General Services Administration's environmental impact statement that fairly and fully details environmental impact of proposed law enforcement training center to be built on land transferred from Agricultural Department's Beltsville Research Center, that lists center's unavoidable adverse environmental effects, that considers alternatives to center, that discusses relationship between short-term uses of environment and maintenance of long-term productivity, and that analyzes irreversible and irretrievable resource commitments involved in center.

STATUTES

Federal—National Environmental Policy Act (§ 95.011)

Construed.

Robert H. Levan, Riverdale, Md., for plaintiffs.

Arthur D. Smith, Department of Justice, Washington, D.C., for defendants.

Full Text of Opinion

CORCORAN, J.:

Memorandum and Order

I

In dispute in this case is the adequacy of an environmental impact statement prepared jointly by the Department of Treasury and the General Services Administration filed pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4332 in connection with the proposed construction of a "Consolidated Law Enforcement Training Center" in Beltsville, Maryland. The Plaintiff, Maryland National Capital Park and Planning Commission (herein MNCPPC) seeks a preliminary injunction against further activities in connection with the project and the government agencies have filed a cross motion for summary judgment.

The Court concludes that there are no material issues of fact in dispute, that only questions of law are presented and on those questions judgment must be granted to the defendant government agencies.[1]

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[1] This suit is brought under 42 U.S.C. Sec. 4332 (Section 102 of NEPA) and accordingly the Court addresses itself only to the question of whether the defendants have complied with the procedural requirements of the Act. Substantive questions must be answered with reference to 42 U.S.C. 4331 (Section 101 of NEPA) not here in issue, and conclusions reached thereunder can be reversed only upon a showing that the actual balances of costs and

II

A brief history of this controversy is necessary to place the issues in perspective.

The Warren Commission Report on the assassination of President Kennedy gave impetus to proposals within the Department of the Treasury to establish a new training facility for the Secret Service to replace those then in use at the National Arboretum. The Treasury proposal recommended that the facility be located on approximately 61 acres to be transferred from the Agricultural Department's Research Center at Beltsville, Maryland and that it consist of a training center building outdoor firing ranges, and a motorcade training area.

In April, 1965 the House and Senate Public Works Committees approved the prospectus for the new training center and in August 1965 $117,000 was appropriated by Congress for design work P.L. 89-128, 79 Stat. 526. Pursuant to 40 U.S.C. 71d, a master plan for the center was submitted to the National Capital Planning Commission (NCPC) and, following a favorable recommendation by plaintiff MNCP PC, NCPC approved the master plan in February, 1968. In June, 1968 $800,000 was appropriated for construction of the firing ranges, P.L. 90-350, 82 Stat. 192.

Thereafter, it was deemed expedient to develop a more comprehensive training center—one that could accommodate the training of substantially all Federal law enforcement officers, with the exception of the FBI, and which would avoid unnecessary duplication of facilities It was proposed that this new, expanded and so-called Consolidated

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benefits that was struck was "arbitrary" or that it "clearly gave insufficient weight to environmental issues." Calvert Cliffs Coord. Comm. v. United States AEC, 449 F.2d 1109, 1115 [2 ERC 1773] (D.C.C.A. 1971). Obviously what may be material in determining whether a conclusion of the defendants is "arbitrary" is not necessarily material in determining whether the *procedural* requirements of NEPA have been met.

Center be established at the site of the still to be completed Secret Service Training Center in Beltsville.

The Consolidated Center would serve many more trainees, require a larger staff and cover 8 times as much area.

In December, 1968 NCPC approved the prospectus for the Consolidated Center and the following May the prospectus was approved by the House and Senate Public Works Committees. In September, 1969 $700,000.00 was appropriated for completion of the firing ranges, and $1,000,000.00 was appropriated for designing the Consolidated Center facility, P.L. 91-74, 83 Stat. 116,118.

Since March 2, 1970 $26,000,000.00 has been appropriated for design and construction of the Consolidated Center P.L. 91-422, 84 Stat. 872; P.L. 92-49, 85 Stat. 108. A special training building, outdoor firing ranges and a motorcade training area are complete and in use primarily by the Secret Service. Farm buildings existing on the additional acreage transferred to the Consolidated Center are being used by the Treasury Law Enforcement School as a crowd control demonstration area. Firing ranges are also being used by cooperating law enforcement agencies.

In July, 1970 a preliminary master plan covering the Consolidated Center was submitted to the National Capital Planning Commission (NCPC). At the same time a draft impact statement was filed with the Council on Environmental Quality (CEQ) and circulated for agency comment.[2] In accordance with referral procedures, the master plan for the Consolidated Center was supplied to the plaintiff MNCPPC by NCPC. At this juncture, the Prince Georges County representatives on the MNCPPC) first expressed

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[2] NEPA had become effective January 1, 1970 thus requiring an impact statement for further activity. This was the first statement prepared by defendants. It is conceded that it was inadequate.

concern about the proposed Center. Following meetings with GSA officials in August, MNCPPC submitted unfavorable comments which wer eprincipally concerned with the lack of a long-range master plan for the Agriculture Research Center as a whole[3] and possible socio-economic effects of the Consolidated Center. In addition the Metropolitan Washington Council of Governments (COG) raised questions concerning the consistency of the planning for the Consolidated Center with prevalent concepts of development in the capital area which envision the general principle of radial corridors of commercial, residential, industrial development separated by "wedges" of undeveloped open space (the "wedges and corridors" concept), and the possible impact of the Center on the surrounding area from noise emissions and sewerage requirements.

In October, 1971 NCPC, in the face of adverse comments from the plaintiff and other groups, concluded that the Consolidated Center would not adversely affect the quality of the environment in the National Capital Region and that such development was consistent wih regional land planning. It accordingly approved the final master plan for the Consolidated Center. In November 1971 the Senate Public Works Committee approved the revised prospectus for the Center which had earlier been approved by the House.

In February 1972 this action was commenced by the plaintiff.

Conceding that the Impact Statement extant at that time did not meet the requirements of NEPA, the defendants

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[3] The Agricultural Research Center occupies some 11,400 acres, most of which is undeveloped. The proposed Consolidated Center would embrace some 480 acres. Opponents of the plan here under consideration are concerned with the possible piecemeal development of the acreage not devoted to the Consolidated Center. The whole question of use of the Agricultural land holdings and the interrelation with other area plans is dealt with in Part III, Sections A, B & C (pp. 67-143) of the Impact Statement.

halted work on the project until a new statement could be prepared. A draft statement was completed on August 1, 1972 and filed with CEQ and circulated to various federal agencies and local groups with an interest in its subject matter. After comments had been received, a final statement which incorporated and discussed most of the comments received was prepared. This statement dated November 24, 1972 was circulated for further comment to those groups and agencies that had previously commented on the draft. The distribution list was as follows:

Soil Conservation Service of the Department of Agriculture.
Department of Defense
Corps of Engineers, Department of Army
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Patuxtent Wildlife Research Center of the Department of the Interior
National Capital Planning Commission
Department of Transportation
United States Environmental Protection Agency comments from the Department of Natural Resources and Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission
Fiscal and Planning Committee of the Prince George's County Council
Calverton Citizens Association and Oakland Citizens Association (joint communication)
Beltsville-Vansville District Citizens Association

It is this statement, dated November 24, 1972 and published after comments received from the above named agencies, that is now under attack.

III

The thrust of the plaintiff's action is that the defendants as "agencies of the United States" have failed to comply with the procedural requirements of the National Environmental Policy Act of 1970 (NEPA) 42 U.S.C. 4332 *et seq.*[4]

Section 4332(C) of NEPA requires that, with respect to proposals for "major Federal actions significantly affecting the quality of the human environment," Federal officials consult with Federal agencies having expertise regarding the environmental impacts involved and that such proposals be accompanied through the agency review process by a detailed statement which sets forth the following:

> (i) "the environmental impact of the proposed action;
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
>
> (iii) alternatives to the proposed action;
>
> (iv) the relationship between local shortterm uses of man's environment and the maintenance and enhancement of long-term productivity;
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented."

CEQ Guildelines for Federal Agencies, 36 Fed. Reg. 7724-7729 (April 23, 1971) provide for circulation of a draft statement as a mechanism to achieve appropriate consultation with Federal agencies, as well as receiving input from the public, prior to preparation of the detailed statement required by the Act.

The end to be secured by these procedures is the assurance that Federal agencies will consider environmental

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[4] The Court here considers primarily subsections (C) and (D) in this discussion. Subsections (E), (F), (G) and (H) are not immediately pertinent to this dispute, while subsections (A) and (B) are mandates general in nature.

costs and benefits along with more traditional factors in the execution of their responsibilities. Thus NEPA "takes the major step of requiring all Federal agencies to consider values of environmental preservation in their spheres of activity, and it prescribes certain procedures to ensure that those values are in fact fully respected." *Calvert Cliffs' Coordinating Committee, Inc* v. *AEC*, 449 F.2d 1109, 1111 [2 ERC 1779] (C.A.D.C. 1971). "Congress contemplated that the Impact statement would constitute the environmental source material for the information of the Congress as well as the Executive in connection with the making of relevant decisions and would be available to enhance enlightenment of—and by—the public." *NRDC* v. *Morton*, 458 F.2d 827, 833 [3 ERC 1558] (C.A.D.C. 1971).

The function of this Court in reviewing the sufficiency of such an Impact Statement is a limited one. It is not for the Court to substitute its own judgment for that of the preparing agency. On the contrary, "[I]t's function is only to assure that the (Impact) statement sets forth the opposing scientific views, and does not take the arbitrary and impermissible approach of completely omitting from the statement, and hence from the focus that the statement was intended to provide for the deciding officials, any reference whatever to the existence of responsible scientific opinions concerning possible environmental effects." *Committee for Nuclear Responsibility* v. *Seaborg*, 463 F.2d 783, 787 [3 ERC 1126] (C.A.D.C. 1971). It is further clear that "So long as the officials or agencies have taken a 'hard look' at environmental consequences mandated by Congress, the Court does not seek to . . . inject itself within the area of discretion of the executive as to the choice of action to be taken." *NRDC* v. *Morton*, *supra* at 838.

IV

With these principles as a guide the Court looks briefly at the impact statement and the procedures followed by defendants in preparing it. The document is on its face

both complete and detailed. Source material relied upon in compiling the statement is referenced therein and in order to facilitate review and comment by interested persons it has been available for public inspection at the Center's administrative office since the circulation of the draft statement on August 1, 1972. Both plaintiff and intervenor plaintiff were given an opportunity to study and comment on the draft statement. Competing points of view are discussed in the statement and the agency's assessment, in cases of divergent views, is fully articulated.

Adverse comments, including those made by plaintiffs, have been set out, in full, in "Appendix E" to the final impact statement. In fact every opportunity was given to all interested parties to put their opinions before the official responsible for deciding whether to proceed with the project[5] before final determination was made on January 5, 1973 to go ahead with the expansion of the Consolidated Center.[6] It is not fatal that ". . . the decisionmaker, in order to fully comprehend the objections and arguments advanced by the plaintiffs and others who oppose the project will have to look to the 'back pages' and appendices of the [Impact Statement.] *Environmental Defense Fund* v. *Corps. of Engineers*, 4 ERC 1097, 1101 (E.D. Ark. 1972).

The plaintiffs have ably dissected the statement and have directed their attack to many of the conclusions reached therein and, because the conclusions are not to their liking, have suggested that the statement is in the nature of an

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[5] In this case Asst. Treasury Secretary Eugene Rossides.

[6] See distribution list at p. 6, *supra*. Plaintiff MNCPPC alleges in paragraph 15(b) that its comments were not sought in the preparation of the final impact statement of November 24, 1972. The record shows that not only were its comments sought, they were printed in Appendix E to the statement. Such an allegation—clearly at variance with the record— will not be considered in weighing the question of whether there exist material questions of fact in dispute between the parties.

"after the fact rationalization" rather than a good faith effort at weighing the various environmental consequences. That the plaintiffs do disagree with some of the conclusions comes as no surprise. On the contrary it would be surprising if any concerned party could concur fully in all the conclusions reached in a document comprising more than 300 pages requiring subjective assessments of each problem involved. That, however, is hardly ground to disregard the pro and con discussions in the statement of the various issues involved in the project. It is certainly not grounds for assuming that the subjective conclusions are merely after-the-fact rationalizations. In the eyes of many proponents of various points of view which have been downgraded or discarded in an impact statement that statement may well seem to be imperfect, but "[I]t is doubtful that any agency, however objective, however sincere, however well staffed, and however well financed, could come up with a perfect environmental impact statement in connection with any major project." *Environmental Defense Fund* v. *Corps of Engineers, supra,* 1101, NEPA "must be construed in the light of reason if it is not to demand what is, fairly speaking, not meaningfully possible, given the obvious, that the resources of energy and research—and time—available to meet the Nation's needs are not infinite." *NRDC* v. *Morton, supra,* 837. Otherwise the statute, which was intended to ensure the consideration of environmental consequences in the performance of government activities will become perverted into a convenient roadblock to throw in the parth of any—even worthwhile—project with which a citizen disagrees.

It is not the function of this Court to review every conclusion found in a NEPA statement brought before it. Rather it suffices to ensure that the statement fairly considers the five general factors embraced in Section 4332(2)(c): *i.e.:* (1) the environmental impact of the program; (2) unavoidable adverse effects; (3) alternatives; (4) re-

lationship between short term use of the environment and maintenance and enhancement of long-term productivity; (5) irretrievable and irreversible commitments of resources. A study of the statement establishes that each of these factors was given full consideration.

However the question of alternatives deserves further brief comment since it is specifically mentioned in Section 4332(D), and our discussion to this point has been directed for the most part to Section 4332(C). Section 4332(D) provides that the preparing Federal agency shall: "Study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." This requirement obviously overlaps Sec. 4332 (C)(iii). The Court is persuaded that compliance with that requirement is accomplished at pp. 189-227 of the Impact Statement and is conclusive demonstration that the mandate of subsection (D) (as well as C) has been followed.

In sum, in the opinion of this Court, defendants have done everything Sec. 4332 of the NEPA requires them to do before proceeding with this "major Federal action significantly affecting the environment."

V

Accordingly it is this 11th day of May, 1973 ordered that

(1) plaintiff's motion for preliminary injunction be denied; and

(2) defendant's motion for summary judgment be granted, there being no material facts in dispute as to defendants' compliance with Section 4332 of the National Environmental Policy Act of 1970.

VI

The foregoing constitutes the Court's findings of fact and conclusions of law as required by Rule 56 FRCP.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SEPTEMBER TERM, 1972

CIVIL No. 255-72

No. 73-1711

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

and

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY,
Appellants

and

CALVERTON CITIZENS ASSOCIATION,
Appellant-Intervenor

v.

GEORGE P. SHULTZ, Secretary, United States Department of the Treasury,

and

ROD KREGER, Acting Administrator, General Services Administration,

and

RICHARD G. KLEINDIENST, Attorney General United States Department of Justice,

Appellees

Before: Bazelon, Chief Judge and Fahy, Senior Circuit Judge

Order

(Filed July 23, 1973)

The above case is before the Court for consideration of appellants' motion for preliminary injunction, which is being treated as a motion for injunction pending appeal. Appellants also filed a motion for expedited consideration

of the aforesaid motion. Responses by the parties have been filed with respect thereto.

Being concerned that more was to be decided by the District Court than the procedural issues to which it limited itself (*See Calvert Cliff's Coordinating Committee, Inc., et al.* v. *United States Atomic Energy Commission,* 146 U.S. App. D.C. 33, 36, 39, 449 F.2d 1109, 1112, 1115 (1971)), it is

ORDERED by the Court that appellees are directed to show cause, if any there be, within 10 days from the date of this order, why the order of the District Court appealed from herein should not be summarily reversed.

Counsel for appellants may file a reply to appellees' response within 3 days from the date of the filing thereof, if they be so advised. It is

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SEPTEMBER TERM, 1972

CIVIL ACTION NO. 255-72

No. 73-1711

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, a public Corporate, et al., *Appellants*
CALVERTON CITIZENS ASSOCIATION, a corporation, *Plaintiff-Intevenor*

v.

GEORGE P. SHULTZ, Secretary of the Department of the Treasury, et al.

Before: Wright and Robb, Circuit Judges

Order

(Filed August, 22, 1973)

On consideration of appellants' motion for injunction pending appeal, of the responsive pleadings filed with respect thereto, and of the responses to this Court's order of July 23, 1973, it is

ORDERED by the Court that summary reversal of the order of the District Court appealed from herein is denied, and it is

FURTHER ORDERED by the Court that the stay entered on July 23, 1973, is continued until disposition of this appeal on the merits after full briefing by the parties.

Per Curiam

D-1

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SEPTEMBER TERM, 1972

CIVIL ACTION No. 255-72

No. 73-1711

[No Opinion]

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, a public body corporate, *et al.*,
Appellants

CALVERTON CITIZENS ASSOCIATION, *a corporation,*
Plaintiff-Intervenor

v.

GEORGE P. SHULTZ, Secretary of the Department of the Treasury, *et al.*

No. 73-1905

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, *et al.*

CALVERTON CITIZENS ASSOCIATION, *Appellant*

v.

GEORGE P. SHULTZ, Secretary of the Department of the Treasury, *et al.*

Appeals from the United States District Court for the District of Columbia.

Before: HASTIE,* Senior Judge, and WRIGHT and ROBB, Circuit Judges.

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* Of the Third Circuit, sitting by designation pursuant to 28 U.S.C. § 294(d) (1970).

Judgment

(Filed May 8, 1974)

These causes came on to be heard on the record on appeal from the United States District Court for the District of Columbia and were argued by counsel. While the issues presented occasion no need for an opinion, they have been accorded full consideration by the court. *See* Local Rule 13(c).

This court is in general argument with the Memorandum and Order filed by the District Court in these cases.

On consideration of the foregoing, it is ORDERED and ADJUDGED by this court that the judgment of the District Court appealed from in these causes is hereby affirmed.

Per Curiam

For the Court

/s/ HUGH E. KLINE
Hugh E. Kline
Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-127

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, ET AL., *Petitioners,*

v.

GEORGE P. SCHULTZ, Secretary of the Treasury, ET AL., *Respondents.*

SUPPLEMENT TO PETITION FOR THE ISSUE OF A WRIT OF CERTIORARI TO THE U. S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-127

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, ET AL., *Petitioners,*

v.

GEORGE P. SCHULTZ, Secretary of the Treasury, ET AL., *Respondents.*

SUPPLEMENT TO PETITION FOR THE ISSUE OF A WRIT OF CERTIORARI TO THE U. S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

The undersigned attorneys, on behalf of The Maryland-National Capital Park and Planning Commission, the District Council for Prince George's County, and the Calverton Citizens Association, Plaintiffs in Case No. CA 255-72 in the U. S. District Court for the District of Columbia and Appellants in Appeal No. 73-1711 in the U. S. Court of Appeals for the District

of Columbia, submit this supplement to their petition for certiorari to review the final judgment of the Courts below.

Subsequent to the filing of the petition for certiorari, the Petitioners learned that the General Services Administration (GSA) and the Department of the Treasury have requested an authorization for an additional $22 million to complete the Consolidated Federal Law Enforcement Training Center (CFLETC). On Wednesday, September 18, 1974, the Senate Subcommittee on Finance held a hearing on the requested additional funds and at said hearing the GSA testified that the entire CFLETC site at Beltsville, Maryland, was a swamp and that this condition was one of the factors that necessitated additional funding.

This testimony by GSA was the first time the "swampy" condition of the proposed site was disclosed; the Environmental Impact Statement filed by GSA and the Department of the Treasury had not previously revealed the swamp condition of the proposed site and did not discuss the environmental impact of the project on the swamp condition. On page 6 of the Environmental Impact Statement we find the only reference to "geology and soils" as follows:

> "A thorough study of the basic geology and soils of the proposed site has been made by a firm of geotechnical and materials engineers. The report indicates that the conditions are in general suited to the project, but that the high level of water table will require attention and some expense in construction, through drainage and other well recognized engineering techniques."

This is a misleading statement in that it does not admit the existence of a "swamp" and speaks only in

terms of a "high water table". Petitioner submits that the swamp condition of the proposed site is a vital and significant factor that has been withheld from the Environmental Impact Statement and from public knowledge contrary to the intent and purpose of NEPA. This new disclosure that the project site is a swamp would require investigation of the impact of the project on the tree cover and surrounding vegetation, on drainage problems, and damage to the ecological cycle.

As submitted in the petition for certiorari, this case was decided on a Motion for Summary Judgment and thus precluded an opportunity for full discovery procedures and development of all facts for a trial on the merits. The Petitioners have had no opportunity to learn the project site is a "swamp", as this was a closely guarded secret and came to light only on intensive questioning by the Senate Subcommittee during the hearings for the additional construction funds.

Petitioners submit that the omission from the Environmental Impact Statement of any mention or consideration of the admitted fact that the proposed site of the CFLETC is a swamp is illustrative of the lack of disclosure of vital elements and incomplete consideration of ecological elements and environmental considerations and impact; this newly discovered fact perspicuously shows the need for a detailed judicial examination of the Environmental Impact Statement and the apparent injustice to Petitioners by deciding this matter on summary judgment.

Petitioners state that certified copies of the transcript of the hearings of the Senate Subcommittee on Finance will not be available until October 21, 1974

and that Petitioners will file a copy of said transcript with this Court as soon as it is made available by the Superintendent of Documents, Government Printing Office.

WHEREFORE, for the reasons set out in the petition for Writ of Certiorari and for the additional reasons set out herein, Petitioners pray that a Writ of Certiorari be issued to the U. S. Court of Appeals for the District of Columbia to review the decision in this case.

Respectfully submitted,

ROBERT H. LEVAN
SANFORD E. WOOL
MICHAEL S. YAROSCHUK
Attorneys for Petitioners

Certificate of Service

I HEREBY CERTIFY that on this — day of October, 1974, a copy of the foregoing Supplement To Petition For The Issue Of A Writ Of Certiorari To The U. S. Court Of Appeals For The District Of Columbia was mailed by first class mail, postage prepaid, to Wallace H. Johnson, Edmund B. Clark, and Jacques B. Gelin, Attorneys for Appellees, Department of Justice, Washington, D. C. 20530.

I further certify that all parties required to be served have been served.

SANFORD E. WOOL
Attorney for Petitioners